

**BOARD OF COUNTY COMMISSIONERS  
LEON COUNTY, FLORIDA  
MINUTES  
SPECIAL MEETING  
NOVEMBER 4, 2003  
DRAFT**

The Board of County Commissioners of Leon County, Florida met in regular Special session with Chairman Grippa presiding. Present were Commissioners Sauls, Thaell, Winchester, Proctor, Rackleff and Maloy. Also present were County Attorney Herb Thiele, County Administrator Parwez Alam, and Deputy Clerk Sandra C. O'Neal. The Special meeting was called to order at 1:42 p.m.

Assistant County Administrator Vince Long explained that the purpose of today's Special meeting is to provide the Board with a status report about the City of Tallahassee Fire Department (TFD) providing the ALS non-transport first responder component of the County's EMS Program. Staff is also seeking direction to finalize the ALS component of the overall EMS Program, which will become effective January 1, 2004. Mr. Long explained that staff anticipated at this workshop to bring an interlocal agreement with the City of Tallahassee to effectuate ALS first response non-transport through TFD. Staff has not received the Interlocal Agreement from the City yet, but are hopeful that one will be forthcoming. However, given the time element and importance of the issue, staff is seeking direction to continue with implementation of the EMS Program.

Background history and sequence of events about the County EMS Program were described by Mr. Long. Mr. Dan Moynihan, EMS Director, went through the "Call Volume Analysis," or demand analysis as it is known in the ambulance industry and how it was derived. Components of the new proposal include:

- Three 24-hour/7 day-a-week ambulances deployed at the County Fire stations equipped with ALS equipment, a paramedic and an emergency medical technician
- 3 to 7 ambulances deployed with 12-hour shifts
- Total ambulances available countywide will be 6 - 10
- 12-hour shifts consists of 4 days on, 3 days off, 3 days on, 4 days off, totaling 7 days worked out of ever 14 days
- 5 Tallahassee Fire Department (TFD) ALS first response units deployed at City Fire Stations (when interlocal agreement is approved)

Chairman Grippa pointed out that currently there is no advanced life support rendered by the fire departments and with the new County operated system, there will be five stations inside the city that provide ALS – at the peak there will be 15 advanced life support capable units in the entire county. Commissioner Rackleff suggested that staff provide a graph showing the existing system and that it be placed on the County's Website. He also suggested that when the new system is in place, a mailing should be sent to property tax paying-households so they understand what they are paying for with the EMS MSTU (municipal services taxing unit). The County will have, at any given time, at off peak hours, 3 ambulances in the City and 3 in the County – therefore there would be 6 ambulances and 5 first response vehicles in off peak hours. Staff advised that on every scene there would always be a paramedic and an EMT (emergency medical technician).

Mr. Alan Rosenzweig, Office of Management and Budget (OMB), referred to staff's three recommendations, which were listed in the replacement page 5 (circulated under a yellow sheet).

Mr. Long recognized City staff in attendance: Fire Department Chief Quillin, Assistant City Administrator Tom Coe, Captain Nancy Herndon, and Don DeLoach (title).

Commissioner Rackleff engaged in discussion regarding the cost. Mr. Rosenzweig advised that the first year cost for the program is approximately \$9.4 million - the reimbursement payment is going to be \$4.4 million; the \$5 million difference will be funded by the first year MSTU, therefore the net cost for the first year is approximately \$5 million and year 2 net cost would be approximately \$3 million (funded by the MSTU - less than 2/10<sup>th</sup> of a mill). Commissioner Rackleff indicated that it appears that in years 2 and 3, the MSTU would decline and possibly not be needed at all in future years. He emphasized the need for the public to understand the scale of the program and how the program is being paid. He suggested that basic information such as this and staffing structure of the EMS (paramedics, emergency medical technicians) be placed on the County's Website to inform citizens of what they are receiving by paying the EMS/MSTU.

Chairman Grippa concurred with Commissioner Rackleff's suggestion and directed that staff distribute a graph showing the current system versus the new County EMS System (i.e., provision of ALS by firefighters, twice as many ambulances (ALS vehicles), provision of ambulances not only in the City but also in the unincorporated area, and flexible deployment.

Chairman Grippa stated that he would like to work with County staff and the City Commission on the interlocal agreement and attempt to resolve the issue of purchasing insurance coverage issue.

Mr. Tom Coe, Assistant City Administrator, advised that everyone in public safety supports the model, which will definitely improve ALS response time and enhanced service for all residents of Leon County. He reported that City and County staff are working on the insurance coverage issue and hope to soon reach a definite figure. Mr. Coe explained that another issue is that the City cannot charge back advanced life support services (ALS) to the fire services fee, although they can charge basic life support services - he does not foresee that to be a significant amount of money and would like to see that reimbursed by the City's MSTU. He stated that the City does not have to make any changes in the City's Fire Services Fee structure until October 2004 - they will have that much time to track the ALS calls; currently no one tracks ALS. Mr. Coe recommended that the interlocal agreement be signed in February 2004, track the ALS calls between February and October 2004 and then they can determine the actual cost which should be billed to the City's MSTU.

The Chairman clarified that every time there is a call, someone provides basic life support and what Chief Coe is asking for is to be reimbursed by the County under the Fire Services Agreement from the jump that occurs some point in time at the scene from basic life support to advanced life support. He stated that the amount of time needs to be calculated and documented and should come back to the County for reimbursement, so there is no dual taxation.

County Administrator Alam indicated that this was problematic and would involve a different figure, that at one point the Board was talking about doing away with the MSTU and now it is talking about paying the fire fighters salaries and overtime, which is not included in this model. Mr. Alam stated that there are other ways to deal with the issue – there are no more costs to the City; it is an issue of budgeting and revenue. The cost to the City does not increase – the MSTU is providing for the capital costs and the County is providing the operating supplies, the incentive pay, and there is no double taxation issue. It is a question of how the City is budgeting and there are different ways to do that and Mr. Alam advised that he would work with the City to do that. Mr. Alam indicated that the issue is what pot of money can be used to pay for it since it cannot be charged back to the fire services fee, pointing out that the cost could be charged to the General Fund. Mr. Coe indicated that if it were charged to the General Fund, the City would have to find money elsewhere in the General Fund or delete a program. Mr. Alam explained that this is no difference than what the County did when they did away with the fire MSTU; it was replaced with another fund, the cost did not change and the County is still providing the same fire contract to the City, not by the fire MSTU but with public services tax, so it is question of what revenues the City is using to pay for the costs. So the City should allocate the costs between basic life support and ALS to a fund other than the fire services fee – determine the pot of money it is coming from.

Chairman Grippa stated that the County can move forward with the EMS system and the City can figure out an appropriate funding source to cover the cost. Mr. Alam indicated that there is a simple solution and he will talk with Mr. Coe about this; one method to do this would be for the City can reduce their fire services fee by that amount and the County can reduce the fire services contract by the same amount. He pointed out that there were several ways to deal with the issue. Chairman Grippa asked if this appeared to be a stumbling block for the EMS. Mr. Alam responded that this would be a stumbling block if the City takes the position that they are not going to look at their budget and look at different revenue sources, that the only revenue source they are going to use is the fire services fee and that they would continue to pay all the firefighters just from the fire services fee and not make any changes. Mr. Rosenzweig emphasized that there is no dual taxation issue for residents who live in the City; also under the County's EMS there will be full cost recovery for the City's additional cost.

Mr. Coe advised that he would work on this and attempt to come up with a solution that works for both the City and the County.

**Commissioner Winchester moved and was duly seconded by Commissioner Thael to approve Option 1 as modified (shown in underline), Option 2, and Option 3:**

**Option 1:** Authorize staff to finalize an agreement with the City of Tallahassee for Option E, to be brought back for final Board approval only if there are substantial changes to the program.

(Option E – 3 24/7 ALS transport units, 3 to 7 peak load ALS transport units (with the flexibility to utilize 12 hour shifts); and 5 ALS TFD first responder units)

**Option 2:** (a) Direct staff to proceed with Option E (without TFD ALS) in the event an interlocal agreement cannot be finalized with the City. (b) Issue the City a Certificate of Need (CON) at such time that the City desires to perform ALS service through TFD;

**Option 3:** Authorize the creation of 20 part time paramedic/EMT positions utilizing existing overtime appropriation.

**The motion carried unanimously, 6/0 (Commissioner Proctor was out of Chambers).**

Mr. Alam advised that eventually all nine fire stations inside the City limits will have ALS and all 5 fire stations outside the City limits would have ALS.

#### **Other Issues**

- a. County Administrator advised that the Joint Meeting with Wakulla County scheduled for Thursday, November 6, 2003 at 1:00 p.m. has been cancelled. The Wakulla County Commission could not meet at 1:00 p.m. on that date. Staff suggested two possible dates – Thursday, December 4, 2003 at 6:00 p.m. or Wednesday, December 10, 2003 at 6:00 p.m. The Chairman asked that staff poll the Board and notify Commissioners by email of the agreed upon date. The Board clarified that the purpose of the meeting is to discuss the water quality issue and the sustainable community issue. Chairman Grippa stated that Wakulla County Chairman Stewart indicated that he was going to ask the Commission that both items be discussed in public. Staff will contact Wakulla County Commission to ensure that both issues are planned for discussion at the Joint Workshop. Board concurred that if both items are not planned for discussion, there is no need to meet jointly.

Commissioner Thaeff asked that staff catalog all of the actions that the Board has taken regarding protection of the underground aquifer in the last three years and send the report in advance of the meeting with Wakulla County. Commissioner Winchester pointed out that a lot of the pollution in the aquifer comes from Tallahassee – Leon County and is a regional issue. He suggested inviting a City representatives to the joint workshop and that an advance agenda be prepared. Commissioner Thaeff suggested that the invitation be extended to other players such as representatives from DEP and NFWMD. The Board concurred.

- b. Chairman Grippa reported that he met earlier today with the Secretary of the Department of Transportation regarding MPO grant issues. He requested that the County Attorney bring back as an agenda item regarding the billing, accounting, allocation of federal funds, and a description of how the grant program has been handled for the MPO for the County Commission to deal with as a separate body. He opined that there are issues that should be discussed as a separate body. He stated that the attorney for the MPO has illustrated in writing several projects that the MPO has been charged to work on and those projects have not been on the MPO Work Plan, which is a violation of federal grant money. From a County standpoint, if any of those projects are the County's, it was suggested that the County return those dollars and come up with a methodology to ensure that it does not occur again and to immediately meet with the federal highway transportation and DOT staff. The grant has to be allocated towards MPO issues and the County should deal with it in a separate body. It was noted that some of the monies may have been used for Planning

Department activities unrelated to MPO activities and may involve County and City projects; if so, the grant money should be returned.

There being no further business to come before the Board, Commissioner Sauls moved, duly seconded by Commissioner by Thael and carried unanimously, to adjourn the meeting at 3:50 p.m.

APPROVED: \_\_\_\_\_  
Tony Grippa  
Chairman

ATTEST:

\_\_\_\_\_  
Bob Inzer  
Clerk of the Circuit Court

BOARD OF COUNTY COMMISSIONER  
LEON COUNTY, FLORIDA  
REGULAR MEETING  
September 23, 2003

**Draft**

The Board of County Commissioners of Leon County, Florida met in regular session with Chairman Grippa presiding. Present were Commissioners Sauls, Thaell, Winchester, Proctor, Rackleff and Maloy. Also present were County Attorney Herb Thiele, County Administrator Parwez Alam, Deputy Clerk Bill Bogan, Jr., and Secretary Sandra C. O'Neal. The meeting was called to order at 5:00 p.m.

Invocation was provided by Chairman Grippa followed by the Pledge of Allegiance to the Flag.

**Awards and Presentations**

- Commissioner Proctor presented the attached resolution to W. Earl Kitchens in commemoration of the 25<sup>th</sup> Anniversary of the Florida A & M University 1-AA Football Championship.
- Chairman Grippa presented the attached resolution to Valerie Hubbard, honoring her integrity, hard work and outstanding service to the Tallahassee/Leon County Planning Department as Interim Planning Director and Director of Comprehensive Planning.
- Chairman Grippa present a resolution to Robin Safely; Terry Steaple from Capital Health Plan; and Brain Desloge recognizing the "Stepping Toward Health: A Community Initiative" program. The Chairman announced that there is a City V. County challenge and encouraged employees to sign up.

**Consent**

Commissioner Sauls moved, duly seconded by Commissioner Maloy and carried unanimously, to approve the following consent agenda with the exception of Items 13 and 17, which were pulled and would be brought back at a future agenda, and Items 3, 6, and 19 which were addressed as described:

1. Approval of Minutes

The Board approved the Minutes of: August 26, 2003 Regular Meeting and September 10, 2003 District 5 Community Meeting

2. Approval of Payment of Bills and Vouchers

The Board approved Option 1: Approve the payment of bills and vouchers submitted for approval for September 23, 2003 and pre-approve payment of bills and vouchers for the period of September 24, 2003 through October 13, 2003.

3. Approval to Negotiate a Contract with Advanced Data Processing, Inc., and Emergency Pro Software for the Provision of Emergency Medical Services Patient Accounts Receivable Services

Chairman Grippa pulled this item and asked if the company were associated with international ADP. Mr. Joe McCloskey, representative of ADPI, responded that the international company is Automated Date Processing and is not associated with ADP.

Commissioner Sauls moved, duly seconded by Commissioner Thaeil and carried unanimously, 6/0 (Commissioner Proctor was out of the Chambers), to approve Option #1: Direct staff to negotiate a contract with Advanced Data Processing Inc., (ADPI) and Emergency Pro Software for the provision of EMS patient billing services and authorize the Chairman to execute the contract; direct staff to negotiate with Per-se Technologies and Emergency Pro Software if the County cannot come to terms with ADPI, and authorize the Chairman to execute the contract.

4. Approval of Amendment to the Contract between the State of Florida, Department of Revenue and Leon County for the Child Support Enforcement Hearing Officer

The Board approved Option 1: Approve Amendment #001 to the contract for the Child Support Enforcement Hearing Officer (Contract QJ309) between the Department of Revenue and Leon County.

5. Adoption of New Board-appointed Advisory Committees Policy

The Board approved Option 1: Adopt the new policy on Board-appointed Advisory Committees: establishment, appointment, function, operation and dissolution, and approve the associated committee member application form, advisory committee request form, model enabling resolution, model rules of procedure for focus groups and the model bylaws for decision-making committees.

6. Request to Schedule a Board Workshop on Status of the New Emergency Medical Services Program and Conduct a Tour of the EMS Facility

Mr. Mark O'Bryant, CEO of Tallahassee Memorial Healthcare (TMH), addressed the Board and extended an offer of TMH facilities for the parking of the County's EMS ambulances, pharmaceutical support, EMS training space, and sleeping quarters for EMS personnel. He stated that TMH could provide these services at either no cost or very little cost to the County. Chairman Grippa requested that staff look at the possibility of working with TMH and bring back information and recommendations at the workshop.

Chairman Grippa suggested that in conjunction with the EMS Workshop and tour, that the Board visit TMH to look at their facilities and suggested starting the tour at TMH. The County Administrator recommended that the tour start at 12:30 p.m.

Chairman Grippa suggested touring the TMH facility and look at options on how the two facilities (TMH and County EMS) can interrelate. He recommended that staff look at the possibility of working with TMH as offered by Mr. O'Bryant and bring back information and recommendations at the workshop.

Commissioner Rackleff moved, duly seconded by Commissioner Winchester and carried unanimously, 6/0 (Commissioner Proctor was out of the Chambers) to approve Option 1, as modified: Schedule a Board workshop on the status of the County's new EMS Program to be held at the Public Works Center Training Room on Miccosukee Road and conduct a tour of the EMS facility on October 14, 2003 from 12:30 - 4:00 p.m. and reschedule the Board Workshop on the Interim Review of the Tharpe Street Corridor Study from October 14, 2003 to October 28, 2004 from 1:30 - 2:30 p.m.

7. Chairman Request to Schedule Public Hearings to Create Chapter 18-73, *Killearn Lakes Units 1 and 11 Special Development Zone*, of Article III, "On-site Sewage Disposal Systems," of the Leon County Code of Laws

The Board approved Options 1 and 2: 1) Schedule the first of two public hearings to amend Chapter 18, Article III, Leon County Code of Laws on Tuesday, October 14, 2003 at 6:00 p.m., 2) Schedule the second public hearing to amend Chapter 18, Article



III, Leon County Code of Laws on Tuesday, October 28, 2003 at 6:00 p.m.

8. Request to Schedule Special Meetings of the Metropolitan Planning Organization (MPO) to Discuss the Gaines Street Roadway Project on October 13, 2003 at 2:00 p.m. in County Commission Chambers and October 27, 2003 at 2:00 p.m. in City Commission Chambers

The Board approved Options 1 and 2:

- 1) Schedule a special MPO meeting to discuss the Planning Area Boundary Expansion for October 13, 2003 from 2:00 – 4:00 p.m. in the County Commission Chambers;
- 2) Schedule a special MPO meeting to discuss the Gaines Street Roadway Project for October 27, 2003 from 2:00 p.m. – 4:00 p.m. in the City Commission Chambers.

9. Approval to Negotiate a Contract with Kimley-Horn and Associates for Conducting the Lake Jackson Ecopassage Feasibility Study and Approval of the Joint Project Agreement with the Florida Department of Transportation (FDOT)

The Board approved Options 1, 2, and 3:

- 1) Authorize staff to negotiate a contract with Kimley-Horn and Associates, to conduct a corridor study for the Lake Jackson Ecopassage Feasibility Study and authorize the Chairman to execute the contract;
- 2) Authorize the Chairman to execute the Joint Project Agreement between the Florida Department of Transportation and Leon County;
- 3) Approve the attached budget amendment and budget resolution:

10. Approval to Award and Negotiate a Contract with AngelouEconomics Advisors, Inc., for the Completion of the Southern Strategy Area Economic Development Plan

The Board approved Option 1: Authorize staff to negotiate a contract with AngelouEconomics Advisors, Inc., to complete the Southern Strategy Area Economic Development Plan and authorize the Chairman to execute the contract.

11. Approval to Award and Negotiate an Agreement with W. K. Dickson & Co. Inc., for the Completion of the Capital Cascades Sector Plan Project

The Board approved Option 1: Authorize staff to negotiate a contract with W. K. Dickson & Company to complete the Capital Cascades Sector Plan Project and authorize the Chairman to execute the contract.

12. Approval of New Lease Agreement with the Friends of the Leon County Library for the "Friendshop"

The Board approved Option 1: Approve the lease agreement between Leon County and the Friends of the Leon County Public Library, Inc., for the "Friendshop."

13. Approval to Dissolve the Library's Partnership with the Tallahassee Freenet, Inc.

This item was pulled.

14. Approval to Submit a State Aid to Libraries Grant Application for FY 2003-2004

The Board approved Option 1: Approve a request to submit the State Aid to Libraries Grant application for the FY 2003-2004 and authorize the Chairman to sign the application.

15. Approval of Agreement for Continued Law Enforcement Services at the LeRoy Collins Leon County Public Library by the Leon County Sheriff's Department

The Board approved Option 1: Approve the agreement with the Leon County Sheriff's Office for Law Enforcement Services at the main library, effective October 1, 2003.

16. Approval to Issue a Request for Proposals (RFP) for Continuing Supply of Architectural and Interior Design Services and Structural and Mechanical/Plumbing/Electrical Engineering Design Services for Periodic Consultation on Small County Projects

The Board approved Option 1: Approve the issuance of Request for Proposals (RFP) providing for the continuing supply of architectural and design services and structural and mechanical/plumbing/electrical engineering design services, annual contract for small projects.

17. Acceptance of Selection Committee's Recommendation of Progress Energy Company (Florida Power Corporation) for Qualified Energy Savings Contractor (ESCO) Services in Leon County Facilities and

Authorization to Negotiate a Contract with Progress Energy Company to Perform a "Comprehensive Investment Grade Energy Audit"

The Chairman advised that this item was pulled due to Notice of Intent to Protest filed by Johnson Controls.

18. Approval to Award Bid to Garrison Design & Construction in the Amount of \$589,448 for Construction of the New Leon County Dental Clinic

The Board approved Options 1, 2, and 3:

- 1) Approve the Award of the bid to Garrison Design and Construction, for a total of \$589,448 for the renovation and construction of a new Leon County Dental Clinic facility at 912 Railroad Avenue;
  - 2) Approve the resolution and associated budget amendment for \$91,893, from the alignment of current project funds until reimbursement is received from the State;
  - 3) Authorize OMB to realign CIP projects temporarily, as needed to support the construction of the dental clinic.
19. Approval of the Interstate Interlocal Agreement with Houston-Galveston Area Council for Cooperative Purchasing

Chairman Grippa asked that since the County is running into a purchasing alliance with Houston-Galveston, does the County have to pay sales tax.

Mr. Keith Roberts, Purchasing Director, explained that the County purchases directly from the suppliers and Houston-Galveston puts the contracts in place and the County does not pay a tax. He explained that the reason he brought this forward was because a lot of the medical contracts needed for the County's Emergency Medical Services (EMS) have already been negotiated and competed, i.e. ambulances, medical supplies, etc. This is one of the largest cooperatives in the nation and they service local governments and they have the technical expertise since the County is in the start-up mode for EMS. Mr. Roberts pointed out that this was being set up as an option for the County.

Commissioner Maloy moved, duly seconded by Commissioner Thael and carried unanimously, 6/0 (Commissioner Winchester was out of Chambers), to approve Option 1: Approve the Interstate Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council and authorize the Chairman to execute.

20. Acceptance of the FY 2002/2003 Tangible Personal Property Inventory Report

The Board approved Options 1 and 2: 1) Accept the FY 2002-2003 Tangible Personal Property Annual Inventory Report, placing 24 items in the first-year missing holding category; 2) Authorize deletion of the listed 813 tangible personal property items from the property control records.

21. Approval of the Amendments to the Permit and Enforcement Tracking system (PETS) Interlocal Agreement

The Board approved Option 1: Approve the amended PETS Interlocal Agreement.

22. Ratification of the Workshop on Supervised Pretrial (SPTR) Program

The Board approved Option 1: Ratify Board action taken at the September 16, 2003 SPTR Program Workshop to: 1) Accept staff's report; 2) Continue Leon County's SPTR Program, including the 2003-2004 increased budget; and 3) consider future expansion.

23. Acceptance of Update on Bradfordville Agreements

The Board approved Option 1: Accept the status report on the Bradfordville Settlement Agreements.

24. Approval of a Perpetual Easement Across County Property in Favor of Chez Sois Homeowners Association for Construction and Maintenance of a Privacy Wall

The Board approved Options 1 and 2: 1) Determine that the easement is of use only to the Chez Sois Homeowners Association due to its location, size, shape and value and authorize the Chairman to execute the easement document; 2) Approve a perpetual easement across County property in favor of Chez Sois Homeowners Association for construction and maintenance of a privacy wall and authorize the Chairman to execute the access and maintenance easement agreement.

25. Approval of a Contract Extension with the Northwest Florida Water Management District (NFWFMD) for the Stormwater Flow Monitoring Program

The Board approved Option 1: Approve the contract extension for the Stormwater Flow Monitoring Program with the Northwest Florida Water Management District and authorize the Chairman to execute the contract amendment.

26. Approval of Travel Requests for Commissioner Proctor and Commission Aide, DeLane Adams, to Attend the Congressional Black Caucus Foundation, Inc, 2003 Annual Legislature Conference from September 24 – 27, 2003 in Washington, D.C.

The Board approved Option 1: Approve the travel expenses as requested.

### **General Business**

27. Approval to Bid Award to Highway Products, Inc. in the Amount of \$372,364 for the Winfield Forest 2/3 –2/3 Project

County Administrator Alam explained that this is a 2/3 Project where the cost of the project is going to be assessed to property owners in this subdivision and the County is providing assistance to bid the project and to build the project. Three bids were received and the lowest bidder, Peavy and Son Construction, did not have M/WBE participation. The other two bidders did have M/WBE participation. Based on the County's policy requiring M/WBE participation, staff is making a recommendation to go with the second lowest bidder, although the bid was \$34,000 more than the lowest bid of Peavy and Son. Mr. Alam explained that the cost is going to be paid by the property owners, the neighborhood of Winfield Forest, not by the general taxpayers.

County Attorney Thiele explained that the County is the actual contracting party and therefore do the assessments, although it is essentially a pass-through.

The following citizens appeared:

Alan Griner, 1024 Winfield Forest Drive, asked the Board to award to the bid to Peavy and Son since it is approximately \$34,000 lower than Florida Highway Products bid. He indicated that this does not mean that the neighborhood does not support the County's M/WBE policy since they do, but the low bid would save the residents \$34,000. Mr. Griner stated that early on in the project, the residents asked staff to purchase the rock that would be required to pave the road and the response was that this really was

not a true county project and the residents should pay for it. He thought that the County could get a better price for the rock.

Steve Bodiford, 1293 Winfield Forest Drive, supported the comments made by Mr. Griner and pointed out that the savings would amount to \$500 per household if the Board selected the Peavy and Son bid.

The following citizens also appeared and echoed comments made by Mr. Griner and Mr. Bodiford: Mike Crews, 1124 Winfield Forest Drive; M. Woodson, 1061 Winfield Forest Drive.

Commissioner Thaelle asked the County Attorney what position this would put the County in if they awarded the bid to Peavy and Son. County Attorney Thiele explained that in essence the County would be waiving its W/MBE requirements in this bid and it could set a precedent. Essentially, the County is lending money to the residents for the project by paying for it and assessing their property and the residents pay the County back over a period of time. Mr. Thiele stated that an alternative would be to award the contractor who meets the County's criteria including the W/MBE requirements but only assess the homeowners the amount of the low bid. The County would absorb the \$35,000 on the theory that it is for the good of the County as a whole to support the M/MBE Program.

Commissioner Sauls moved and was duly seconded by Commissioner Thaelle To waive the W/MBE Policy in regards to this project and award the contract to the lowest bidder, Peavy and Son Construction.

Mr. David Pavlock, 2703 Silhouette Drive, Cantonment, Florida, representing Florida Highway Products, stated that when he attended the pre-bid conference, County staff pointed out that they take their M/WBE criteria seriously. Mr. Pavlock urged the Board to accept his bid since it was the lowest legal and responsible bid submitted. Had he known that the Board was going to waive its M/WBE criteria, Mr. Pavlock stated that he could have made adjustments when bidding, but at this point it would be unfair to his company to change the rules.

The Board asked if Peavy would negotiate to include M/WBE participation and if FHP could negotiate a new contract to adjust the bottom line, removing the M/WBE from the bid.

Commissioner Proctor offered a friendly amendment to allow staff time to negotiate with Peavy and Son and make an award contingent on working something out regarding the M/WBE requirement.

Commissioner Rackleff questioned whether or not the Board should review its M/WBE policy as it relates to 2/3 - 2/3 projects since the property owner ultimately pays for the project.

Commissioner Thaell withdrew his second to the motion and made a substitute motion, seconded by Commissioner Proctor to give FHP time to negotiate the fee.

County Attorney Thiele advised that these were sealed bids and the cost cannot be negotiated, and he was comfortable with the original motion.

Commissioner Thaell withdrew his substitute motion.

Commissioner Rackleff moved, duly seconded by Commissioner Sauls and carried unanimously, 7/0, to waive the M/WBE policy on this project, award the bid to Peavy and Son Construction and allow staff time to negotiate with Peavy and Son Construction on the M/WBE participation.

Mr. Louis Seay, 4175 Darby Drive, representing Peavy and Sons, indicated that he would negotiate with staff regarding the W/WBE policy.

*The Board then entered discussion under Public Hearing, Item 37.*

28. Consideration of Donation of Fencing Material for ECHO's Bethany Family Apartments

Commissioner Winchester moved, duly seconded by Commissioner Thaell, and carried unanimously, 7/0, to approve Option 1: Approve funding of donation in the amount of \$2,800 from the General Fund Contingency for fencing material to ECHO's Family Apartments and associated budget amendment request:

29. Consideration of Mid-Year Funding Request for a Donation to the Suwannee River Area Council Boy Scouts of America

Commissioner Rackleff moved, duly seconded by Commissioner Winchester and carried unanimously, 7/0, to approve Option 1:

Approve funding for a donation of \$1,000 for the Suwannee River area Council Boy Scouts of America and associated budget amendment request.

30. Consideration of Mid-Year Funding Request of \$5,000 to the Boys and girls Club of the Big Bend Miccosukee Branch

Commissioner Thael moved, duly seconded by Commissioner Proctor and carried unanimously, 7/0, to approve Option 1: Approve funding for The Ounce of Prevention Fund of Florida at \$5,000 from the General Fund Contingency Account, associated budget amendment, and mid-year funding agreement.

31. Consideration of Mid-Year Funding Request of \$10,000 to Workforce Plus to Create and Maintain a Web-Based Inventory of Skills and Credentials of Leon County Job Seekers

Commissioner Winchester moved, duly seconded by Commissioner Proctor and carried unanimously, 7/0, to approve option 1: Approve funding for the Workforce Plus at \$10,000 from the General Fund Contingency Account, associated budget amendment, and mid-year funding agreement.

32. Consideration of a Permanent Line Item Funding Request of \$50,000 to the Leon County Youth Development Council for Start-up Money and Development of a Teen Center

Commissioner Winchester provided a brief overview of the plans for the establishment of a Teen Center. Commissioners Grippa and Winchester recommended that the Juvenile Justice Council look at participation/partnership with other organizations, such as Boys and Girls Club to help leverage private dollars.

Commissioner Winchester moved, duly seconded by Commissioner Sauls and carried unanimously, 7/0, to approve Option 1: Authorize staff to consider request in the development of the FY 2004/2005 budget.

33. Consideration to Support the Transfer of Ownership and Maintenance of Gaines Street from the Florida

The Board engaged in discussion regarding:

- Transfer from State to local government eliminates State funds and responsibility for improvements needed to Gaines Street



- County's commitment of \$10 million to the Gaines Street Corridor Project would now be under the control of the City
- North side of Gaines Street is in the present Community Redevelopment Area (CRA) but the south side is not
- What is the economic impact of the development along the Gaines Street corridor
- Issues regarding road capacity

Commissioner Thaell indicated support for the City owning Gaines Street and the County continuing with its \$10 million commitment. He recommended that this issue be discussed at the Metropolitan Planning Organization (MPO) and the Blueprint Intergovernmental Agency (IA) meetings and suggested finding out what the plans are for Gaines Street.

Chairman Grippa voiced concerns about the County giving \$10 million to a project on a street owned by the City and advised that money could be better spent on the Flooded Property Acquisition Program. He stated that the County should proceed with due diligence and obtain information as to why FDOT is transferring ownership and maintenance of Gaines Street and what the County has to gain or lose by this support.

County Administrator Alam pointed out that the City will receive \$6.7 million from the State for the project.

Based on his 20 years of service with FDOT, Commissioner Maloy opined that local government should not be taking over responsibility of state roads.

Commissioner Winchester moved, duly seconded by Commissioner Thaell and carried unanimously, 7/0, to continue this item and direct staff to bring it back to the Board right after the MPO meeting and look at funding from the State and Federal grants/funds.

34. Board Direction Regarding the Renovation of the McCord/Host House at the Northeast Branch Library

This item was pulled.

35. Proposed Voluntary Annexation of Property at 1209 Paul Russell Road

This item is Board consideration of a proposed voluntary annexation petition by the owner of a nine (9) acre parcel located on Paul Russell Road. City staff has been working with the property owner concerning the voluntary annexation petition. The City Commission will conduct a public hearing on the annexation on September 24, 2003.

Commissioner Thaelle stated that there is an intergovernmental process to follow regarding annexations. When the City and County Commissions met on the Southern Strategy annexation, the Board asked the City for answers on the annexation.

County Attorney Thiele explained that the process is not working and suggested going through the Comp Plan process and that staff do a Comp Plan revision to address annexations. He pointed out that it would take City and County approval of the Comp Plan revision.

Commissioner Thaelle requested that the County Attorney research and bring back alternatives.

Commissioner Sauls moved, duly seconded by Commissioner Maloy and carried unanimously, 4/0 (Commissioners Grippa, Proctor, and Winchester were out of the Chambers), to approve Option 1: Do not object to the City annexation of the property. In addition, direct the County Attorney's Office to come back to the Board with options/alternatives regarding the annexation process.

36. Assessment of Lands Subject to a Conservation Easement, Environmentally Endangered Lands, or Lands for Outdoor Recreational Park Purposes

The Board is being asked to provide direction to staff regarding requests from citizens to establish a classification and tax deferral methodology for land subject to a conservation easement; land qualified as environmentally endangered and so designated formal resolution of the governing board of the municipality or county within which such land is located; land designated as conservation land in a comprehensive plan adopted by the appropriate municipal or county governing body; or any land which is utilized for outdoor recreational or park purposes.

County Attorney Thiele briefly summarized the issue. This allows for property owners to reduce their property tax assessment by conveying land as a conservation easement, endangered land or for recreational uses, to the County for a 10-year or less period.

The Board engaged in some discussion as to the reasoning for using the time frame of 10 years or less and the possibility of the County restricting use of conservation easements to the most environmentally safe use.

Commissioner Maloy moved, duly seconded by Commissioner Thael and carried unanimously, 6/0 (Commissioner Winchester was out of Chambers), to continue this item to the October 28, 2003 Board meeting; direct staff to bring back the item with additional language defining the topographical constraints, providing definitions and maps of conservation easements, endangered land, etc., and direct staff to bring back a fiscal impact analysis regarding the loss of revenue through reduction of property tax assessments due to the new land classification.

#### ADD-ON

Approval to extend the Existing Psychological Evaluation Services Contract for a period of Nine Months with Apalachee Center for Human Services and North Florida Forensic Psychology Associates and to Replace One Service Provider for a Different Service Provider

Chairman Grippa questioned why representatives from Apalachee Center were not present at the meeting and wanted to know why Aakhet was no longer interested in providing services. He stated that he was not comfortable with Apalachee Center providing psychological evaluations services because of their track record of allowing mentally ill persons to leave the facility in spite of court-ordered confinement.

The Board requested that staff provide full information on the three vendors (Apalachee Center for Human Services, North Florida Forensic Psychology Associates, and Dr. Jeffrey Benoit, which replaced Aakhet). The County Attorney reminded the Board that effective July 1, 2004, the State will take over responsibility for these services.

Commissioner Thael moved, duly seconded by Commissioner Sauls and carried unanimously, 7/0, to approve Option 1, as amended (shown in underline): Approve the amendment to the agreement, extending the contract with Apalachee Center for Human Services and North Florida Forensic Psychology Associates for a period commencing October 1, 2003, through December 31, 2003, and substituting Dr. Jeffrey Benoit for Aakhet Center for Human Development as a service provider.

Add-On

Approval of Contract with Javier Escobar, M.D., for the delivery of Medical Direction Services for the Leon County Emergency Medical Services (EMS) Program

Commissioner Rackleff moved, duly seconded by Commissioner Winchester and carried unanimously, 7/0, to approve Option 1: Approve the contract to provide Medical Direction Services to the Leon County EMS Program and authorize the Chairman to execute.

Add-On

Consideration of the Acquisition of the Property Located at 1879 Log Ridge Trail (Libby Mitchell), along with Other Properties as Part of the Flooded Property Acquisition Program

The following citizens appeared:

Libby Mitchell, 1879 Log Ridge Trail, explained the flooding and septic problems on her property and asked that her property be placed on the flood acquisition list.

Mr. John Phillips, 1883 Log Ridge Road, neighbor of Ms. Mitchell's, explained how his property affects the problems at Ms. Mitchell's residence, and the countless efforts made to alleviate the problems.

Ms. Laverne Wiggins, 2009 Coffee Lane, displayed pictures of the water damage to her home, which has occurred for many years and appealed to the Board for relief.

The Board engaged in discussion, which included:

- Estimated cost to purchase homes on the Flooded Property Acquisition List is \$14 million
- Prioritizing the list
- Possibility of moving \$10 million from the Gaines Street Corridor Project to the Flooded Property Acquisition Program
- Reasonableness of purchasing all homes that are currently flooding versus resolution of the flooding problems

Commissioner Winchester moved, duly seconded by Commissioner Thael and carried unanimously, 7/0, to schedule a workshop to address the following issues: Flooded Property Acquisition List; identifying flood-affected properties and the method of the acquisition ranking; funding sources and funding issues; reviewing land development regulations (LDRs) and discussing the regulatory

approach; creating a volume-control ordinance; and prioritizing projects.

### **Public Hearings**

#### **Joint City/County Commissions Adoptions Hearing 2003-2 Comprehensive Plan Amendments**

Pursuant to legal advertisement, a joint hearing of the Tallahassee City Commissioner and Leon County Board of County Commissioners was conducted in the County Commission Chambers. The purpose of the hearing is to consider for adoption the amendments that were previously transmitted to the Department of Community Affairs (DCA). The joint meeting convened at 6:15 p.m.

City Commissioners present were Commissioners Marks, Mustian, Gillum, Lightsey, and Katz. County Commissioners present were Chairman Grippa, Commissioners Sauls, Thael, Maloy, Winchester, Proctor, Rackleff.

#### **Map Amendment 2003-2-M-006 - Future Land Use Map (West side of Centerville Road, North of Pisgah Church Road)**

The following citizens appeared:

Eugene Danaher, 10263 Thousand Oaks Circle, spoke on Map Amendment 2003-2-M-006. He voiced complaint that this item was not placed on the regular agenda; he did not get a copy of the agenda item prior to the meeting, and alleged that the public does not have informational background on the topic. Mr. Danaher voiced objection to this amendment and stated that the City and County Attorney were working towards some type of agreement/covenant and should be following the Comp Plan.

Charles Gardner, 1300 Thomaswood Drive, appeared and explained that Mr. Danaher was misinformed, that at the transmittal hearing both Commissions voted to recommend approval of the project subject to conditions. He stated that the important question is how to memorialize the condition, as a note on the map amendment or as a separate document. It was noted that DCA preferred that the amendments be put on the map itself. At the transmittal hearing, the City Attorney, the County Attorney, and Mr. Gardner were directed to work out an agreement and make the conditions as part of the amendment, which was done.

Ross Burnaman, 1018 Holland Drive, appeared and noted that the agenda in the Commission Chambers did not include material on this item. He stated that he is speaking on the entire item and is one of the principal sponsors of Florida Hometown Democracy Amendment. His group is seeking to amend the Florida Constitution by a citizen initiative process, to provide for the citizens' right to vote on referenda with respect to Comprehensive Plan Amendments that might be otherwise proposed or considered for adoption by a local governing body. He circulated a copy of Constitutional Amendment Petition Form. He emphasized that he is opposed to the continual "up planning" of property in local government jurisdiction without any commensurate "down planning" which might otherwise balance the scale; he recommended to stop the process of continually increasing the density and intensity of permitted uses of land.

### **Map Amendments**

#### **2003-2-M-002**

Commissioner Sauls moved, duly seconded Winchester and carried unanimously, 7/0, to approve. City Commissioner Lightsey moved, duly seconded by Commissioner Katz and carried unanimously, 5/0, to approve.

#### **2003-2-M-003 (west side of Meridian Road & southside of Gardner Road)**

Commissioner Thaell moved, duly seconded by Commissioner Sauls and carried 6 - 1 (Commissioner Thaell voted in opposition) to approve. Commissioner Katz moved, duly seconded by Commissioner Gillum and carried unanimously, 5/0, to approve.

### **Text Amendment (new land use Goal 14)**

#### **2003-2-T-008**

Commissioner Winchester moved, duly seconded by Commissioner Maloy and carried, 7/0, to approve.

Ms. Hubbard announced that this amendment was transferred to DCA by the County and the City declined to transmit it to DCA.

Commissioner Katz moved and was duly seconded by Commissioner Gillum to deny. Assistant County Attorney Hurst explained that City Commissioners should not take action on this and it would not be included in the City's ordinance.

#### **2003-2-T-009 (Fred George Basin)**

Commissioner Thael moved, duly seconded by Commissioner Maloy and carried unanimously, 7/0, to approve.

City Commissioner Lightsey asked if this change of elevation would allow more land in the flood plain to be developed. Ms. Valerie Hubbard, Acting Planning Department Director, explained that more area is allowed to be developed but not more in the flood plain; the problem that DCA had is that they had not received from County stormwater staff something that affirmed their agreement that the analysis had been done.

Commissioner Katz moved, duly seconded by Commissioner Gillum and carried unanimously, 5/0, to approve.

**2003-2-M-010 (West of Meridian Road between Thompson Circle & Gardner Road)**

Commissioner Maloy moved, duly seconded by Commissioner Thael and carried 6 - 1 (Commissioner Proctor voted in opposition) to approve. Commissioner Proctor asked if the issues raised by Reverend Foutz of Paramore Estates had been resolved regarding the easement and high-pressured gas line on homeowners' property. The residents believe they should have access to water and sewer. Ms. Hubbard explained the background: The Commission directed expansion of the Urban Services Area (USA) to allow the entire subdivision to be in the USA. A number of issues were raised with respect to the provision of services but Ms. Hubbard advised that the amendment itself does not affect that except to enable the provision of sewer all the way to the end of the subdivision. Planning Department staff explained that a letter was drafted to the City Water and Sewer Department to see what could be done in the neighborhood to provide services. Commissioner Winchester suggested that a meeting be conducted with the residents to determine what services would be available.

Commissioner Gillum moved, duly seconded by Commissioner Mustian and carried unanimously, 5/0, to approve.

**2003-2-M-006 (West Side of Centerville Road & Pisgah Church Road)**

Ms. Hubbard explained that DCA's response to this amendment essentially has more to do with the mechanism than the substance of the proposal. The Planning Department had originally suggested that limitations on development of this parcel be done through notes on the plan; the County has advised that this was the best way to enter into those limitations. Ms. Hubbard suggested that the Board look at the covenants and restrictions since it will have to be considered in separate Commission meetings. She stated that if the Commissions adopt this

amendment tonight but do not adopt the covenants and restrictions, they would be decreasing the density that is allowed in the subject area and would not be requiring a conservation subdivision.

The Commissions engaged in discussion about continuing this item and staff discussed the time frame involved.

Chairman Grippa stated that this amendment is in the County so the County's vote would have the most affect. County Attorney Thiele explained that it is generally his recommendation to Planning staff and to the Board that the concept of putting notes on the Future Land Use Map should be avoided because he felt that a piece of property is deserving of a land use designation such as urban fringe and there are no subcategories. He suggested that the board accept DCA's objection and include those restrictions as notes on the map amendment and ignore the covenants and restrictions. Chairman Grippa stated that he had questions about the covenants and restrictions and asked if this could be discussed on October 14 BCC meeting. Mr. Thiele responded in the affirmative.

Discussion ensued about the City and County approving separate covenants and restrictions.

Ms. Hubbard clarified that what the Board may want to include in the notes on the plan are the provisions that the property shall be used only for single family use; the property shall be limited to 200 single family dwelling units and at least 50 % of the property shall be placed in permanent open space. The County Attorney explained that this would render the covenants and restrictions unnecessary. Ms. Hubbard stated that they could add in the note: The term open space shall be defined in the PUD document so it can be clarified more. She stated that it is important at the Comp Plan level to just establish the basic parameters that are making this density-neutral, and setting overall the design standard of the conservation subdivision.

Commissioner Winchester suggested approving the map amendment with the addition of the three (3) notes that Ms. Hubbard outlined; after that, if the Board wants to be more restrictive or more clear on those restrictions, the Board could do a side agreement which the County Commission and the City Commission could look at in a subsequent meeting.



Commissioner Winchester moved, duly seconded by Commissioner Maloy and carried unanimously, 7/0, to approve of Map Amendment 2003-2-M-006 with DCA's objections being included in the actual Comp Plan amendment (included in the 3 notes on the map - density, single family dwelling and open space). Chairman Grippa stated that he still wanted the County Commission to approve deed restrictions as promised on certain issues relating to cut-through for Baker Place and others issues which Mr. Gardner is aware of. He stated that on October 14, 2003 this would be addressed.

City Commissioner Katz moved, duly seconded by City Commissioner Mustian and carried unanimously, 5/0, to approve the same as the City's motion - to approve of Map Amendment 2003-2-M-006 with DCA's objections being included in the actual Comp Plan amendment (included in the 3 notes on the map - density, single family dwelling and open space).

Mr. Thiele stated that the definition of open space is defined in the comp plan, but it would be defined more restrictively in the covenants. The language of the conditions state specifically that it would be clarified in the Planned Unit Development (PUD). Ms. Hurst also explained that the project would have to meet the requirements of the Environmental Management Act of the County, which would preserve the environmental features. Ms. Hubbard stated that it is important to note that the "permanent open space" is applied to the 975 acres.

Commissioner Thaele moved, duly seconded by Commissioner Sauls and carried unanimously, 7/0, to adopt the attached Leon County Ordinance No. 03-\_\_ , 2010 Comprehensive Plan Ordinance, incorporating the amendments.

Commissioner Katz moved, duly seconded by Commissioner Mustian and carried unanimously, 5/0 to adopt the City Ordinance No. 03064, which incorporates the amendments.

The joint meeting was adjourned at 7:29 p.m.

37. Second Public Hearing to Adopt the Proposed Millage and Budget for Fiscal Year 2003/2004

Pursuant to legal advertisement, a public hearing was conducted. County Attorney Thiele explained the budget adoption process.

- 1) Commissioner Rackleff moved, duly seconded by Commissioner Maloy and carried unanimously, 7/0, to approve Option 1: Adopt the attached Resolution No. R03- adopting the final FY 2003-2004 Countywide millage rate of 8.5500 mills.
  - 2) Commissioner Thaeil moved, duly seconded by Commissioner Sauls and carried unanimously, 7/0, to approve Option 2: Adopt the attached Resolution R03- approving the final FY 2003 – 2004 Countywide budget:
  - 3) Commissioner Thaeil moved, duly seconded by Commissioner Proctor and carried 5 – 2 (Commissioners Grippa and Winchester voted in opposition), to approve Option 3: Adopt the attached Resolution No. R03- approving the final FY 2003-2004 Primary Health Care MSTU (municipal services taxing unit) millage rate of 0.1200 mills:
  - 4) Commissioner Thaeil moved, duly seconded by Commissioner Proctor and carried 5- 2 (Commissioner Grippa and Winchester voted in opposition), to approve Option 4: Adopt the attached Resolution No. R03- , approving the final 2003-2004 Primary Health Care MSTU budget:
  - 5) Commissioner Proctor moved, duly seconded by Commissioner Maloy and carried 5 – 2 (Commissioners Grippa and Thaeil voted in opposition), to approve Option 5: Adopt the attached Resolution No. R03- , approving the final FY 2003-2004 Emergency Medical Services (EMS) MSTU millage rate of 0.5000 mills.
  - 6) Commissioner Proctor moved, duly seconded by Commissioner Rackleff and carried unanimously, 7/0, to approve Option 6: Adopt the attached Resolution No. R03- , approving the final FY 2003-2004 Emergency Medical Services MSTU budget:
38. Second Public Hearing to Consider Modifying the Project List to Be Funded with the County Share of the One-Cent Sales Tax Extension

Commissioner Rackleff moved, duly seconded by Commissioner Sauls and carried unanimously, 6/0 (Commissioner Winchester was out of Chambers), to approve Option 1: Approve the attached Resolution No. R03- modifying the sales tax extension list:

39. First Public Hearing on the Proposed Ordinance to Repeal the Existing RC-Rural Community Zoning and Implement Proposed Zoning Code Map Amendments to Implement the Woodville Rural Community Future Land Use

Commissioner Proctor moved and was duly seconded by Commissioner Thael to approve Options 1 and 2: 1) Conduct the first of two public hearings on the proposed ordinance to repeal the existing RC-Rural Community zoning and implement site specific zoning districts for the Woodville Rural Community Future Land Use; 2) Notify the public that the second public hearing on the proposed ordinance is scheduled for October 14, 2003 at 6:00 p.m.

The following citizens appeared:

George Gonzalez, 1400 Oven Park Drive, stated that St. Joe Land Company owns 93 acres and he opposed the downzoning of the property from 2 to 1 residence per acre by the RA zoning.

Tom Mills, P. O. Box 388 Woodville, stated that he has property contiguous to the proposed rezoning and he opposes the increase of density from 1 unit per acre to 4 units per acre. Mr. David McDevitt, GEM, explained that the RA designation and pointed out that there are no plans to increase the density. Commissioner Thael indicated concern regarding increased density near the County line. Mr. McDevitt reminded the Board of their direction regarding Woodville rural community and stated that the proposal involves a substantial decrease in residential and commercial density.

Jamey Thompson, 1825 Commerce Blvd, Midway, Florida, appeared on behalf of Lex Thompson, and stated that he has property in one section which is proposed for RA zoning. He purchased the property to put up mobile homes and explained that to get to the property, people have to drive through an already established area with mobile homes. He requested that his property be changed to R-5. Commissioner Rackleff asked about "zoning-out" mobile homes. Mr. McDevitt explained the zoning differences allowed for residential-design manufactured homes and standard mobile homes.

Kristina Petrandis, 9178 Apalachee Parkway, spoke about State programs to assist with affordable housing and noted that increased density in zoning reduces the land that could be available for affordable housing.

Chuck Rennick, 2039 Portland Place, pointed out that the proposed rezoning would not allow any steel-framed mobile homes and the average cost of houses is too much for many people. He stated that he rents out mobile homes, which are cheaper than "built" homes.

Mr. McDevitt explained that 1,200 notices were mailed about the proposed rezoning and that he only received two responses.

Commissioner Proctor stated that he supports staff's recommendation and pointed out that the County needs to put people in homes that do not depreciate.

Mr. McDevitt recommended that some pieces of property (Lewis, Petrandis, Rennick, and St. Joe property) be changed from RA to R1 and informed the Board that there have been discussions with the City and commercial property owners regarding the City extending the sewer line.

Commissioner Winchester asked if development of a conservation subdivision was possible for the rural community zoning and staff indicated that it was possible.

Commissioner Proctor accepted the inclusion of the listed properties for zoning from RA to R-1.

The motion on the floor carried unanimously, 7/0.

40. First and Only Public Hearing on a Rezoning Application Request by Leon County Amending the Official Zoning Map from BC-1 Bradfordville Commercial 1 to RA Residential and from CMUO-2 Commercial/Mixed Use Overlay Zone 2 to CO-1 Commercial Overlay Zone 1 on Property Located South and West of the Intersection of Thomasville and Bannerman Roads

Pursuant to legal advertisement, a public hearing was conducted.

Chairman Grippa inquired of the County Attorney if the various Homeowners' associations that the County has entered into agreements with had been notified of the public hearing. County Attorney Thiele opined that residents had been notified and he has not received any negative responses and that the County was not in any violation of the settlement agreements.

Commissioner Rackleff encouraged the developer to include in the site plan a more "pedestrian-friendly" plan.

The Board engaged in discussion regarding the site plan.

Commissioner Thael moved, duly seconded by Commissioner Sauls and carried unanimously, 7/0, to approve Options 1 and 2: 1) Approve the application, amending the Official Zoning Map from BC-1 Bradfordville Commercial/Auto Oriented Zoning District to the RA Residential Acre Zoning District; 2) Approve the application, amending the Official Zoning Map from CMUO-2 Commercial/Mixed Use Overlay Zone Two Zoning District to the CO-1 Commercial Overlay Zone One Zoning District

41. First and Only Public Hearing on a Rezoning Application Request by Tharpe Street Holdings, Inc., Amending the Official Zoning Map from the M-1 Light Industrial Zoning District to the OR-3 Office Residential Zoning District on Property on the North Side of West Tharpe Street

Pursuant to legal advertisement, a public hearing was conducted.

Commissioner Thael moved, duly seconded by Commissioner Sauls and carried unanimously, 7/0, to approve Option 1: Do not approve the rezoning application request and retain the present M-1 Light Industrial zoning district.

42. First and Only Public Hearing on a Rezoning Application Request by Jamaro, Inc., (Quasar Drive) Amending the Official Zoning Map from the CP Commercial Parkway to the R-3 Single and Two Family Attached and Detached Residential District on Property South of Apalachee Parkway

Pursuant to legal advertisement, a public hearing was conducted.

Commissioner Winchester moved, duly seconded by Commissioner Rackleff and carried unanimously, 7/0, to approve Option 1: Approve the application, amending the Official Zoning map from the CP Commercial Parkway to the R-3 Single and Two Family Attached and Detached Residential District.

43. First and Only Public Hearing on the Proposed Williams Sand Mine Type C Site and Development Plan

Pursuant to legal advertisement, a public hearing was conducted.

Commissioner Thael inquired if there was a need for another sand mine since they are intrusive. Mr. David McDevitt, GEM,

explained that DRC has placed four conditions for approval on the proposed sand mine and that there has only been three sand mine projects in the County in the last 12 years.

Mr. Jacob Jaks, 1812 Doomar Drive, engineer representing the developer, explained that neighbors to the subject property have signed affidavits agreeing to the development of a sand mine. Mr. Jaks responded to inquiries made by the Board regarding the development including excavation, reclamation, and truck travel.

Commissioner Proctor wanted to know how far the sand mine would be from Woodville Park and the response was that it would be halfway between Capital Circle and the park.

Commissioner Rackleff asked if excavating the sand would have an adverse impact on the filtering to the underground aquifer. Mr. John Kraynak, GEM Environmental Compliance stated that the site would be monitored.

Commissioner Proctor and other Commissioners indicated that they would like the opportunity to visit the sand mine site and talk with the developer about the exact plans.

Commissioner Proctor moved, duly seconded by Commissioner Thaeil and carried unanimously, 7/0, to continue the public hearing until 6:00 p.m. on October 28, 2003.

#### **Citizens to Be Heard on Non-Agendaed Items**

- a. Mr. Eugene Danaher, 1068 Thousand Oaks Circle, appeared and spoke on Item 37, the County's budget. He voiced the following concerns:
  - Salaries of Commissioners, County Attorney and County Administrator were excessive as well as their car allowances
  - Too many holidays and swing days for employees causing County offices to be closed
  - Wanted to review the Commissioners' evaluations of the County Attorney and the County Administrator
  - Made comparisons of the County's budget to the City's and School Board's budgets and compared the number of employees
  - Complained that Commissioners' Aides do not answer the phone
  - Not equitable use of tax dollars
- b. Ms. Kathleen James, 1900 Hidden Valley, gave some background information regarding Prophetess Sharon Billins and invited

citizens and the Board to attend a revival on September 25<sup>th</sup> at 7:00 p.m. at the Holiday Inn Select.

- c. Erin Vansickle, Commission Aide, distributed pedometers to staff and asked them to participate in the City versus County "Stepping Up" challenge. Staff is to keep track of the number of steps taken in a day and report the total for a week on Friday to Ms. Vansickle.

### **Discussion Items by Commissioners**

#### **Commissioner Winchester**

- a. Distributed a copy of a letter with an attached sample resolution from Hernando County. Commissioner Winchester explained that Hernando County has adopted a resolution opposing the reallocation any amendment to Florida's Water Resource Policy which allows, encourages, or promotes water transfers beyond County jurisdiction. He requested that Leon County consider doing the same and circulated the resolution to the County Administrator. He suggested that a letter be sent to the Governor/legislature, indicating opposition to the same.
- b. Noted that he received a letter from Mr. Eugene Danaher and the issues were covered earlier in the meeting.

#### **Commissioner Maloy**

- a. Requested adoption of two resolutions – National Women Health and Fitness Day, which will be presented later in the week; a resolution for Roosevelt Wilson who retired from FAMU, which will also be presented later this week. The Board concurred.
- b. Referred to the County's holidays discussed earlier tonight and reported that throughout the years, the Board's holiday schedule coincides with the Judiciary. The Board decided at the time, that it was best to be consistent and for all County offices to be either closed or open. Commissioner Thael indicated that there was no need to approach the judiciary again about reducing the number of holidays.

#### **Commissioner Sauls**

Advised that yesterday she distributed the status of the Cultural Resources Commission (CRC) and asked that it be placed on an upcoming agenda in October. She hopes that by that time, some issues will be resolved.

Chairman Grippa suggested that that the Board start making direct appointments to the CRC since appointments have to be

made within 90 days. County Attorney Thiele explained that he will prepare a report with an analysis but noted that there are significant problems with the City since there is a difference in opinion about the make up of the CRC appointments. Mr. Thiele stated that the CRC is a statutory committee and statutory requirements must be met. Chairman Grippa requested that when the agenda item is brought back that it include the difference of opinions by the County Attorney and the City Attorney. Commissioner Rackleff circulated a copy of Florida Statutes Chapter 265.32 and suggested that a compromise be made. Chairman Grippa advised that he hopes a resolution can be reached since he would not like to see the City keep their money and create another arts council.

**Commissioner Rackleff**

Reported that he would be missing the Special MPO Meeting on October 14, 2003 since he and his wife will be traveling to Italy.

**Commissioner Proctor**

- a. Referred to the Title V Community Delinquency Prevention Grant Program. Commissioner Proctor explained that some people have requested the Board's support of the grant application and to be one of the partners. The deadline is October 3, 2003 and the material was given to the County Administrator. The Chairman directed that Don Lanham, Grants Coordinator, look into the issue.
- b. Commissioner Proctor wanted to know how the landfill came about being permitted and wanted to understand the environmental impact between Tram Road and Capital Circle SE. He opined that this is a business that has emerged and grown in stature since the Board closed the other landfill. Commissioner Proctor stated that he did not want to acquire a new landfill in his district but it appears that it is moving forward. He requested that staff provided information about this.
- c. Circulated a letter to the Board that he had sent to Senator Lawson regarding articles from *St. Petersburg Times* and the *Tallahassee Democrat* regarding Council 100's proposal to pump water out of North Florida to South Florida. Commissioner Proctor stated that for months, he has suggested that the Board meet with Wakulla County Commission regarding this. He voiced concern that the Chairman of the Natural Resources Committee is planning a meeting with eastern, central, and south Florida about the issue and not include this area, where the water is actually coming from.



Commissioner Proctor explained that he asked the Senator to explain to Leon County Board of County Commissioners about the proposal from Council 100 including impacts and costs to this community. Chairman Grippa suggested that Senator Lawson be asked to come before the Board and explain the issue. Commissioner Proctor stated that Wakulla County desires the same and they are welcome to attend.

Commissioner Winchester stated that the Florida Association of Counties would be taking a leadership role about the water issue around the state, noting that it is a precarious position because they represent all the counties.

Commissioner Thael

- a. Spoke about the water supply and pointed out that he wears two hats since he is a member of the BCC and FAC. Commissioner Thael stated that the foremost issue is to protect Leon County's water supply, and advised that there is a water resource committee which is looking at all of the issues, and it supports the Hernando County position at this point.
- c. Requested adoption of a resolution for "Mental Illness Awareness Week" which is coming up in the first week in October. The Board concurred.
- d. Noted that there is a proposed constitutional amendment known as "hometown democracy," which does a way with the need for any elected officials. This amendment is proposed for the November ballot for next year, which would require that any comprehensive plan offered by a landowner would have to go before a referendum. Commissioner Thael stated that he did not support government by initiative.

Chairman Grippa

- a. Advised that the County Attorney has provided him with information on how the platting of Killearn Lakes came about, but he would also like to have an overview from the County Attorney about how Killearns Lakes was re-platted under Mr. Conner. Chairman Grippa wanted to know if the County has any ability to sue either developer or the current developer.
- b. Chairman Grippa advised that he, the Assistant County Attorney and the County Building Inspector met with a man whose son died in a warehouse because materials had fallen on him. He stated that there is no ordinance, restrictions, or building codes to protect people inside the warehouse and requested that the County

Attorney investigate the issue and determine if the County has the ability to establish an ordinance on safety.

- c. Referred to the Leon County Animal Shelter and stated that he believes that mildly sick dogs are being given euthanized and requested that Animal Control staff provide a report on what is occurring, looking at alternatives to euthanasia. The Chairman pointed out that the County gives the City approximately \$300,000 per year for the animal shelter. Either an agenda item or a report would be distributed to Commissioners. It was noted that there may be land available at the landfill for animals and other uses.
- d. Reported that tomorrow morning, September 24, 2003, at 9:45 a.m., Talquin Electric Cooperative is conducting an annual meeting in Quincy, Florida. Chairman Grippa urged all Commissioners to attend and to write a letter of support since this is a cooperative and the Board awards the franchises. The Chairman advised that his aide would fax the information to Commissioners.
- d. Chairman Grippa entered discussion regarding the Southern Annexation issue and stated that it is time for the Board to address the issue again. He explained that the Board received a package, which indicates that two people objected to the Southern annexation and are being involuntarily annexed; a process was supposed to be followed but was not. There are also several enclaves that the County Attorney objected to. Chairman Grippa explained that the County requested that the City provide additional information, which included signatures of people who supported the annexation but it was not provided, and the City annexed the property anyway. Chairman Grippa explained that the County has until September 28, 2003 to appeal and is seeking direction from the Board. He stated that the Board should notify the City that the County will probably object to the annexation and should give an appropriate audience to the people who were annexed involuntarily and provide the signatures.

Commissioner Winchester moved and was duly seconded by Commissioner Thaell to direct the County Attorney to move forward and object to the annexation.

Commissioner Rackleff spoke about what was involved in the process of objecting to the annexation at this point. County Attorney Thiele asked if the Board wanted him to prepare and file a lawsuit in two days. He explained that he has not done any additional research but he thinks that this process would trigger

Chapter 164 procedures (Intergovernmental Cooperation Act) which is the notice, but he would have to check to be certain. Mr. Thiele further explained that it is mandatory that the County follow that procedure if the County litigates with a sister local government, although he believes that there is an emergency exemption from that. Assuming that there is an emergency exemption, Mr. Thiele asked the Board if they wanted him to endeavor to file some sort of a complaint, noting that there are a number of legal issues that he would have to overcome.

Chairman Grippa stated that he wanted the City to meet with the County and the residents who have been involuntary annexed and work through the legal issues.

Commissioner Rackleff stated that a lot of people want to get annexed, are trying to develop their property and their plans depend on being successfully annexed. Commissioner Winchester pointed out that the County is simply asking the City to talk with them about the issue. Commissioner Rackleff indicated that the people who are involuntarily annexed should be suing the City.

The motion on the floor carried 6 - 1 (Commissioner Rackleff voted in opposition).

County Attorney Thiele clarified, and the Board concurred, that the motion includes "to waive the Board's Rules of Procedure, place the matter before the Board for substantive discussion, and direct the County Attorney's Office to file the appropriate lawsuit."

- e. Chairman Grippa referred to the Orange Avenue Widening Project, which involves taking of property (from Food Lyon) and advised that he has been contacted by the owner. Commissioner Proctor advised that staff has met with the property owner who has not been satisfied; they anticipate that an offer will be received from the property owner. Chairman Grippa explained that he talked to the Assistant County Attorney who indicated that if the County takes the property through a partial taking, the County would actually pay more than just taking only what is needed and allowing the owner to move Food Lyon back on the site.

Mr. Joe Brown, Public Works, explained that staff was moving on the Board's prior direction which was the whole taking; staff would need direction from the Board to go forward with a partial taking. Mr. Brown advised that the arrangements made were for the property owner to make a counteroffer to the County and this would be the vehicle to bring it to the Board. The Chairman asked

that it be brought back to the Board on the October 14, 2003 agenda.

- f. It was noted that Johnson Control was appealing the multi-million dollar contract that was awarded to Florida Progress and Seimans. County Attorney Thiele explained that the County's Purchasing Policy specifies for an administrative review of the claim and that there was a bid problem. It will ultimately come back to the Board.

There being no further business to come to the Board, the meeting adjourned at 11:10 p.m.

APPROVED: \_\_\_\_\_  
Tony Grippa  
Chairman

ATTEST:

\_\_\_\_\_  
Bob Inzer  
Clerk of the Circuit Court